

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ANTHONY G. HERBERT,

Plaintiff,

v.

CLAUDIA BALDUCCI, *et al.*,

Defendants.

Case No. C12-1429-MJP-JPD

ORDER DENYING PLAINTIFF'S  
MOTION TO COMPEL DISCOVERY  
FROM DEFENDANT KING COUNTY

This is a civil rights action brought pursuant to 42 U.S.C. § 1983. This action comes before the Court at the present time on plaintiff's motion to compel discovery from defendant King County. The Court, having reviewed plaintiff's motion, defendants' response thereto, and the balance of the record, hereby finds and ORDERS as follows:

(1) Plaintiff's motion to compel discovery (Dkt. 131) is DENIED. Plaintiff seeks to compel defendant King County to respond to five interrogatories which were served on July 22, 2014. The interrogatories request the names of the final policy makers at the King County Jail and the identity of any individual who has authority to change a policy, custom or procedure.

The interrogatories also request information about how the policy committee of the King County

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1 Department of Adult and Juvenile Detention works, and what the maximum inmate capacity is at  
2 the King County Jail. Finally, the interrogatories request information about how law library  
3 work stations are assigned when demand exceeds capacity, and why King County hasn't added  
4 more work stations.

5 Defendants oppose plaintiff's motion to compel. Defendants argue in their response to  
6 plaintiff's motion that discovery has been closed in this matter since April 21, 2014, and that the  
7 Court did not reopen discovery when it permitted plaintiff to file a second amended complaint on  
8 June 6, 2014 adding King County as a defendant.<sup>1</sup> Defendants also argue that plaintiff's new  
9 interrogatories do not seek evidence needed for the claim asserted against King County in  
10 plaintiff's second amended complaint, and that the interrogatories are repetitive of previous  
11 discovery requests that defendants have responded to.

12 Plaintiff argues in his reply brief that due process requires he be permitted to conduct  
13 discovery with respect to a newly added party. He does not, however, dispute defendants'  
14 assertion that the requested discovery has already been provided. He also fails to demonstrate  
15 that the requested discovery is in fact needed for his claim against King County. Accordingly,  
16 no further discovery will be permitted.

17 (2) Defendants have now filed a supplemental memorandum in support of their  
18 pending motion for summary judgment, and the summary judgment motion (Dkt. 65) is currently  
19 noted on the Court's calendar for consideration on October 3, 2014. Plaintiff has not filed a  
20 response to defendants' dispositive motion, presumably because his motion to compel had yet to

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22 <sup>1</sup> Defendants correctly note that this Court expressly stated in its Order permitting amendment of the  
23 complaint that the addition of King County as a defendant should not require any additional discovery. (*See* Dkt.  
120 at 3.)

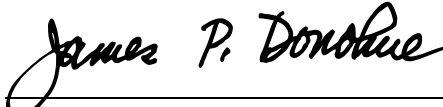
1 be resolved by the time his response to the summary judgment motion was due. As plaintiff's  
2 motion to compel has now been ruled on, the Court deems it appropriate to grant plaintiff one  
3 final opportunity to file a response to defendants' summary judgment motion.

4 Plaintiff is directed to file and serve any response to defendants' pending summary  
5 judgment motion not later than ***November 3, 2014***. Defendants' motion for summary judgment  
6 (Dkt. 65) is RE-NOTED on the Court's calendar for consideration on ***November 7, 2014***.

7 Plaintiff is reminded that, pursuant to LCR 7(e)(3), briefs in opposition to a summary judgment  
8 motion are not to exceed twenty-four pages in length.

9 (3) The Clerk is directed to send copies of this Order to plaintiff, to counsel for  
10 defendants, and to the Honorable Marsha J. Pechman.

11 DATED this 6th day of October, 2014.

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13 JAMES P. DONOHUE  
14 United States Magistrate Judge  
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